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COMMISSION ON HUMAN RIGHTS
Fifty-fourth session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Argentina, Bulgaria*, Canada, Cape Verde, Chile, Colombia*, Costa Rica*, Cuba, Denmark, Dominican Republic*, Ecuador, Estonia*, Finland*, France, Germany, Italy, Madagascar, Netherlands*, Nicaragua*, Philippines, Poland, Portugal*, Republic of Korea, Senegal, South Africa, Sweden*, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

1998/... The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, other relevant human rights instruments and the Vienna Declaration and Programme of Action,

Reaffirming that, pursuant to internationally proclaimed human rights principles, victims of grave violations of human rights should receive, in appropriate cases, restitution, compensation and rehabilitation,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Reiterating the importance of addressing the question of restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms in a systematic and thorough way at national and international level,

Recalling its resolution 1996/35 of 19 April 1996, in which it regarded the draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law prepared by Mr. Theo van Boven as a useful basis for giving priority attention to the question of restitution, compensation and rehabilitation,

Taking note with appreciation of the report of the Secretary-General (E/CN.4/1998/34) submitted to the Commission in compliance with its resolution 1997/29,

Noting with interest the positive experience of countries that have established policies and adopted legislation on restitution, compensation and rehabilitation for victims of grave violations of human rights,

1. Calls once more upon the international community to give due attention to the right to restitution, compensation and rehabilitation for victims of grave violations of human rights;

2. Requests the Chairman of the Commission on Human Rights to appoint an independent expert, at no additional cost to the regular budget, to prepare a revised version of the draft basic principles and guidelines elaborated by Mr. van Boven, taking into account the views and comments provided by States, intergovernmental and non-governmental organizations, and to submit it to the Commission on Human Rights at its fifty-fifth session, with a view to its adoption by the General Assembly;

3. Requests the Secretary-General to invite States that have not yet done so, as well as intergovernmental and non-governmental organizations, to submit their views and comments on the draft basic principles and guidelines prepared by Mr. van Boven as soon as possible, and by no later than 31 October 1998, and to make that information available to the independent expert;

4. Decides to continue the consideration of this matter at its fifty-fifth session under the agenda item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".